

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LAWRENCE J. KANSKY	:	
	:	CIVIL NO. 3:20-CV-0042
Plaintiff,	:	
	:	
vs.	:	(JUDGE MANNION)
	:	
LUZERNE COUNTY, LUZERNE	:	
COUNTY SHERIFF'S DEPARTMENT,	:	
and LUZERNE COUNTY SHERIFF	:	
BRIAN SZUMSKI, individually and in	:	
his official capacity,	:	
	:	
Defendants:	:	(ELECTRONICALLY FILED)

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT

AND NOW, come the Defendants, LUZERNE COUNTY, LUZERNE COUNTY SHERIFF'S DEPARTMENT AND LUZERNE COUNTY SHERIFF BRIAN SZUMSKI, by and through their counsel, Dougherty, Leventhal & Price, LLP, and hereby move this Honorable Court to dismiss the Plaintiff's Complaint pursuant to F.R.C.P. 12(b)(6), averring in support the following:

1. On or about January 9, 2020, Plaintiff Lawrence Kansky filed a Complaint in against Defendants alleging his civil rights were violated. Summons were issued on January 10, 2020. Waivers were returned thereby

making Defendants responsive pleading due on or before March 13, 2020.

2. On January 17, 2020, undersigned counsel has entered his appearance on behalf of the Defendants

3. Defendants hereby move for the dismissal of the Complaint pursuant to F.R.C.P. No. 12(b)(6) on the grounds that the Plaintiff's Complaint fails to state a claim upon which relief can be granted. The grounds upon which this Motion is based will be fully outlined in the Defendants' supporting brief which will be filed pursuant to Local Rule 7.5.

4. Undersigned counsel contacted counsel for Plaintiff, Cynthia L. Pollick, Esquire, and she does not concur in the filing of this Motion.

WHEREFORE, Defendants pray for the entry of an Order dismissing Plaintiff's Complaint in its entirety.

Respectfully submitted:

DOUGHERTY, LEVENTHAL & PRICE, L.L.P.

s/Sean P. McDonough

By:

Sean P. McDonough, Esquire
Attorney for Defendants
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CERTIFICATE OF NON-CONCURRENCE

I, Sean P. McDonough, Esquire, attorney for Defendants, hereby certify that I contacted counsel for the Plaintiff, Cynthia L. Pollick, Esquire and she does not concur in the filing of this motion.

Date: March 11, 2020

s/Sean P. McDonough,
Sean P. McDonough, Esquire
Attorney For Defendants

CERTIFICATE OF SERVICE

I, SEAN P. McDONOUGH, ESQUIRE, hereby certify that on the 13th day of March, 2020, I served the foregoing MOTION TO DISMISS PLAINTIFF'S COMPLAINT , upon the persons indicated below as follows:

Via electronic filing

Cynthia L. Pollick, Esquire
The Employment Law Firm
363 Laurel Street
Pittston, PA 18640
pollick@lawyer.com

Respectfully submitted,

DOUGHERTY, LEVENTHAL & PRICE, L.L.P.

s/Sean P. McDonough

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